

REMARKS

The Examiner objected to the use of "being operable" in claim 8; these terms have been deleted from claim 8.

The Examiner rejected claims 8-14 under 35 U.S.C. 101, alleging that

"a computer program product tangibly embodied in an information carrier" as recited in claim 8 is a nonfunctional descriptive material, wherein "When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement.

Claim 8 has been amended to illustrate the functionality of the computer program.

The Examiner rejected claims 8-14 under 35 U.S.C. 101, allegedly because in claim 8

"a computer program product being operable to cause a machine to..." is a data structure, wherein "Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer.

Without acquiescing to the validity of this rejection, claim 8 has been amended to call for a computer program product on a computer-readable medium. As amended, the claims are proper under 35 U.S.C. 101.

Dependent claims 9-14 are patentable for at least similar reasons as those for the claim on which they depend is patentable.

The Examiner has rejected claims 8-14 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Examiner alleges that subject matter "a computer product, tangibly embodied in an information carrier" is not found in the original specification.

Applicant disagrees. Paragraph [0018] of the application states "The NPE 68 includes a core processor 76 that executes instructions stored in the instruction memory 72..." (emphasis added).

Dependent claims 9-14 are patentable for at least similar reasons as those for the claim on which they depend is patentable.

The Examiner rejected claim 15 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claim 15 to call for "a computing device executing ...". As amended, claim 15 is clearly drawn to a line monitor that includes a computing device that executes processes referred to in the claim.

The Examiner has rejected claims 1-30 under 35 U.S.C. 102(e) as being anticipated by Mannering (U.S. patent no. 6,404,804). Regarding claims 1 and 8, the Examiner states that Mannering

discloses a method comprising: monitoring a bit (in register CMD/STAT 30-fig.2) in a coprocessor (processor master DSP 22-fig.2) included in a packet engine (modem 20-fig.2) that represents an operation associated with a packet processor (processor slave DSP 24-fig.2) that includes the packet engine; and providing the packet engine the status of the bit (col.6, lines 24-26, and col.7, line 7-col.8, line 12).

Applicant disagrees. Claims 1 recites a method comprising "monitoring a bit in a coprocessor included in a packet engine that represents an operation associated with a packet processor that includes the packet engine" (emphasis added). The slave DSP bus 24, identified by the Examiner as a packet processor, does not include modem 20, identified by the Examiner as the packet engine.

Claim 8 calls for a computer program product comprising instructions "to monitor a bit in a coprocessor included in a packet engine that represents an operation associated with a packet processor that includes the packet engine" (emphasis added). Mannering does not provide this limitation as set forth above.

Dependent claims 2-7 and 9-14 are patentable for at least similar reasons as those for the claims on which they depend are patentable.

Regarding claim 15, Examiner states that Mannering

discloses a line monitor (modem 20, fig.2) comprises: a process to monitor a bit (in register CMD/STAT 30-fig.2) in a coprocessor (processor master DSP 22-fig.2) included in a packet engine (modem 20-fig.2) that represents an operation associated with a packet processor (processor slave DSP 24-fig.2) that includes the packet engine; and providing the packet engine the status of the bit (col.6, lines 24-26, and col.7, line 7-col.8, line 12).

Applicant disagrees. Claim 15 describes a line monitor comprising a process “to monitor a bit in a coprocessor included in a packet engine that represents an operation associated with a packet processor that includes the packet engine” (emphasis added). Mannering neither describes nor suggests this limitation.

Dependent claims 16-21 are patentable for at least similar reasons as those for the claim on which they depend is patentable.

Regarding claim 22, the Examiner alleges that Mannering

discloses a system comprising; a coprocessor (processor master DSP 22-fig.2) included in a packet engine (modem 20-fig.2) that is capable of, monitoring a bit (in register CMD/STAT 30-fig.2) representing an operation associated with a packet processor (processor slave DSP 24-fig.2) that includes the packet engine; and providing the packet engine the status of the bit (col.6, lines 24-26, and col.7, line 7-col.8, line 12).

Applicant disagrees. Claim 22 calls for “a system comprising a coprocessor included in a packet engine that is capable of monitoring a bit representing an operation associated with a packet processor that includes the packet engine” (emphasis added). Mannering neither describes nor suggests this limitation as discussed above.

Dependent claims 23-24 are patentable for at least similar reasons as those for the claim on which they depend is patentable.

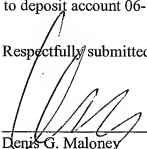
Claim 25 calls for “a packet forwarding device comprising a coprocessor included in a packet engine that is capable of monitoring a bit representing an operation associated with a packet processor that includes the packet engine” (emphasis added) and Claim 28 includes the feature of “... a network processor that includes the network processing engine” (emphasis added). Mannering neither describes nor suggests this limitation as discussed above.

Dependent claims 26-27 and 29-30 are patentable for at least similar reasons as those for the claims on which they depend are patentable.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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